

10th June 2010

IOTC CIRCULAR 2010/41

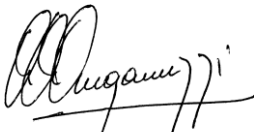
**SUBJECT: COMMUNICATION FROM THE SULTANATE OF OMAN
CONCERNING THE RESPONSE OF THE EUROPEAN UNION TO IOTC
CIRCULAR 2010/35**

At the request of the Sultanate of Oman, I would like to invite you to review the attached letter. This letter is in response to a communication that the European Union had requested the Executive Secretary to communicate to the Sultanate of Oman.

I would also like to take this opportunity to remind you that, in accordance with paragraph 19 of IOTC Resolution 09/03, your conclusion to either remove the vessel, or keep the vessel, on the IOTC IUU Vessels List should be submitted to the Executive Secretary within 30 days of the date following the notification of the request to remove the vessel for the IOTC IUU Vessels List. As you may recall, the notification was made through IOTC Circular 2010/35 on 14th May, 2010.

For those Contracting Parties that have not yet communicated their conclusion on this issue, I look forward to receive your soonest advice.

Yours sincerely,



Alejandro Anganuzzi
Executive Secretary

Attachments

- 1. Letter from the Sultanate of Oman

Distribution

IOTC Members: Australia, Belize, China, Eritrea, European Union, India, Indonesia, Iran, Japan, Kenya, Korea, Malaysia, Mauritius, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Sri Lanka, Sudan, Tanzania, Thailand, United Kingdom, Vanuatu.

IOTC Chairperson.

IOTC Compliance Committee Chairperson

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Sultanate of Oman
Ministry of Fisheries Wealth



سُلْطَنَة عُومَان
وَزَارَة الثَّرْوَة السَّمَكِيَّة

No. : 2145

Date: 18/6/1431

Date: 1/6/2010

الرقم :

التاريخ :

الموافق :

Alejandro Anganuzzi
Executive Secretary
Indian Ocean Tuna Commission

Dear Sir,

SUBJECT: Clarifications sought by the EU concerning the request for the deletion of RWAD 1 from the IOTC IUU Vessels List

With reference to the above subject, we wish to clarify that there was an agreement by all CPCs at the Seventh Session of the Compliance Committee and at the Fourteenth Session of the Commission that the vessel RWAD 1 should be placed under a conditional probation - *The Committee agreed to put this vessel under probation for a period of three months, within which Oman should provide evidence about the origin of the catches onboard. In addition, the Committee requested Oman to request the vessel Rwad 1 to stop fishing until a final decision is taken about this issue (para. 79 of the **Report of the Seventh Session of the Compliance Committee**). The Committee requested that the Commission considers listing the vessel Rwad 1 in the IOTC IUU List if Oman fails to implement the measures requested within the next three months (para. 80 of the **Report of the Seventh Session of the Compliance Committee**).*

The Commission decided to apply another approach, which was not consistent with the recommendation of the Compliance Committee; that is, to place the vessel on the list and adding a footnote to indicate that the vessel is on a three month probation pending the provision of information requested from Oman (para. 25 of the **Report of the Fourteenth Session of the Commission**).

Therefore, the agreement was for Oman to provide two pieces of information within the three month period, which Oman has complied with. However, we are now surprised to learn that the EU is asking for additional information, which was not part of the agreement reached in the Busan meetings. We do not rule out the questions/points raised by the EU as being invalid for an appraisal of actions of this kind. However, if the documents that have been provided by Oman give rise to additional questions/concerns, they should not be the reason for keeping the vessel on the list, as Oman has fulfilled its obligations. We would like to draw the Commission's attention to the fact that the justificatory arguments presented here do not by any means represent the deviations of Oman's obligations to the IOTC mission, but about the principles that should govern the decisions in this particular case.

Sultanate of Oman
Ministry of Fisheries Wealth



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وَزَارَةُ الثَّرْوَةِ السَّمَكِيَّةِ

No. : 2145
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Date : 11/6/2010

الرقم :
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Our responses to the issues raised by the EU are given below:

Issue: - according to the sales document of the company *R & D Management Services SDN BHD*, the date of the fish transaction (found on "Rwad 1") is January 2009. This means that the fish remained onboard at least 9 months? Is this normal and commercially acceptable?

Response: It is common for these fish to remain in the trade cycle for up to one year.

Issue: When the "Marine 88" was sold to the Sultanate of Oman Company (which month?) this fish was part of the transaction?

Response: This information is provided in the letter of Oman in IOTC Circular 2010-35. The authority has been informed by the Company (RWAD1) that the fish that was onboard was also sold along with the vessel.

Issue: Are the vessels "DAMARINA" (3 vessels with the same name?) authorized to fish IOTC species in the Indian Ocean?

Response: Yes, this information is provided in the letter of Oman in IOTC Circular 2010-35.

Issue: Are there any register of the transshipment at sea related to this fish? (Any transshipment done in January 2009 by one of the "DAMARINA" vessels?) Was the fish transhipped from the 3 "DAMARINA" vessels to the "Marine 88"?

Response: This information is not available to Oman as the vessel was flagged in a different country at the time. The last question is addressed in the letter of Oman in IOTC Circular 2010-35.

Issue: What was the zone of activity and flag state of the vessel "Marine 88" before its transaction to the Sultanate company?

Response: Previous flag state of the vessel was St. Kitts as reported alongside the record of the vessel in the IOTC IUU Vessels List. With regard to the zone of activity of the vessel, we would like to refer to the fact (as stated in our previous letter to the Commission) that the fish was sold to vessel "Marine 88" by the owner of DAMARINA 108, DAMARINA 115 and DAMARINA 117, which at the time of the sale of the fish were registered with the IOTC.

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Oman wishes to reiterate its commitment to implement IOTC management measures, in particular those relating with IUU activities and, as such, we would be happy to work with the EU or any other interested Member of the Commission to resolve any concerns that they may have on the RWAD 1 (ex-MARINE 88), but not in the context of introducing new conditions for the removal of the vessel from the IOTC IUU Vessels List. If, however, the EU or any other Member of the IOTC wishes to reopen the debate on the RWAD 1, we would respectfully request that this is done in the next meeting of the Compliance Committee and through the procedure set out in IOTC Resolution 09/03.

We shall be grateful if you could circulate this letter to all the CPCs.

Sincerely yours,


Ibrahim Said Al-Busaidi
Director General Of Fisheries Development

